srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 104 OF 2007.

Mrs. Geeta V. Thorat and others. ..Petitioners.

Versus.

The State of Maharashtra & Ors. ..Respondents.

Tushar Pimpale h/f Amit Sale for the petitioner.

T. S. Ingale for the respondent-4.

S. S. Bhende A.G.P. for the State.

CORAM: S. B. MHASE &
R.S.MOHITE, JJ.

DATE: JUNE 26, 2007.

P.C.

1. Heard Mr. Tushar Pimple for the petitioner. This is a petition for getting appointment on compassionate ground. Earlier the petitioners had approached this Court by filing writ petitions, being Writ Petition Nos. 6038, 6042 and 6043 of 2005 in which this Court had given certain directions. Since as per the said directions the appointments were not given the petitioner have filed this petition. Now the position is very clear that as per the order of the Government dated 24th October 2005 the staffing pattern has been fixed by the Commissioner and Director of Municipal Administration. Accordingly, 457 permanent posts have been sanctioned and 1455 non permanent posts have been sanctioned. There are already directions that whenever

there is a vacancy in permanent post as a result of death or retirement or resignation or otherwise the persons working on the temporary establishment shall be employed to the regular establishment. But it is important to be noted that whenever there is vacancy in the non permanent post, the said post lapses and the vacancy is not available for filling in by appointing a new candidate. Thus, the recruitment has been regulated. It has been brought to our notice that all 457 permanent posts have already been filled in and there is no vacancy on temporary establishment and in the absence of the posts, case of the petitioner for appointment on compassionate ground cannot be considered. Learned counsel for the Municipal Council, Mr. Ingale makes a statement that whenever there is a vacancy in the permanent posts with the respondent - Municipal Council the claim of the petitioners will be considered on the basis of their eligibility at that relevant time and on the basis of seniority list of the similarly situated candidates. We accept the said statement. We find that at this stage nothing can be done in the matter. Therefore, we dispose of the petition.

(R.S.MOHITE, J.) **(S.B.MHASE, J.)**